

AMENDED IN SENATE AUGUST 20, 2010

AMENDED IN SENATE AUGUST 2, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1701**

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**Introduced by Assembly Member Chesbro**

February 1, 2010

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An act to amend Section 4145 of the Business and Professions Code, and to amend Section 11364 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1701, as amended, Chesbro. Hypodermic needles and syringes.

Existing law regulates the sale, possession, and disposal of hypodermic needles and syringes. Under existing law, a prescription is generally required to purchase a hypodermic needle or syringe for human use, except to administer adrenaline or insulin.

Existing law, until December 31, 2010, authorizes a city or county to authorize a licensed pharmacist to sell or furnish 10 or fewer hypodermic needles or syringes to a person for human use without a prescription if the pharmacy is registered with a local health department in the Disease Prevention Demonstration Project. Existing law prohibits the possession and sale of drug paraphernalia, but until December 31, 2010, allows a person, if authorized by a city or county, to possess 10 or fewer hypodermic needles or syringes if acquired through an authorized source.

This bill would delete the December 31, 2010, end dates for these authorizations and would reestablish these authorizations until December 31, 2018.

*This bill would not become operative if SB 1029 of the 2009–10 Regular Session, amending Section 4145 of the Business and Professions Code and amending Section 11364 of the Health and Safety Code, is enacted and takes effect on or before January 1, 2011.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4145 of the Business and Professions  
2 Code is amended to read:  
3 4145. (a) Notwithstanding any other provision of law, a  
4 pharmacist or physician may, without a prescription or a permit,  
5 furnish hypodermic needles and syringes for human use, and a  
6 person may, without a prescription or license, obtain hypodermic  
7 needles and syringes from a pharmacist or physician for human  
8 use, if one of the following requirements is met:  
9 (1) The person is known to the furnisher and the furnisher has  
10 previously been provided a prescription or other proof of a  
11 legitimate medical need requiring a hypodermic needle or syringe  
12 to administer a medicine or treatment.  
13 (2) Pursuant to authorization by a county, with respect to all of  
14 the territory within the county, or a city, with respect to the territory  
15 within the city, for the period commencing January 1, 2005, and  
16 ending December 31, 2018, a pharmacist may furnish or sell 10  
17 or fewer hypodermic needles or syringes at any one time to a  
18 person 18 years of age or older if the pharmacist works for a  
19 pharmacy that is registered with the Disease Prevention  
20 Demonstration Project pursuant to Chapter 13.5 (commencing  
21 with Section 121285) of Part 4 of Division 105 of the Health and  
22 Safety Code and the pharmacy complies with the provisions of  
23 that chapter.  
24 (b) Notwithstanding any other provision of law, a pharmacist,  
25 veterinarian, or person licensed pursuant to Section 4141 may,  
26 without a prescription or license, furnish hypodermic needles and  
27 syringes for use on animals, and a person may, without a  
28 prescription or license, obtain hypodermic needles and syringes  
29 from a pharmacist, veterinarian, or person licensed pursuant to  
30 Section 4141 for use on animals, providing that no needle or

1 syringe shall be furnished to a person who is unknown to the  
2 furnisher and unable to properly establish his or her identity.

3 SEC. 2. Section 11364 of the Health and Safety Code is  
4 amended to read:

5 11364. (a) It is unlawful to possess an opium pipe or any  
6 device, contrivance, instrument, or paraphernalia used for  
7 unlawfully injecting or smoking (1) a controlled substance specified  
8 in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f)  
9 of Section 11054, specified in paragraph (14), (15), or (20) of  
10 subdivision (d) of Section 11054, specified in subdivision (b) or  
11 (c) of Section 11055, or specified in paragraph (2) of subdivision  
12 (d) of Section 11055, or (2) a controlled substance which is a  
13 narcotic drug classified in Schedule III, IV, or V.

14 (b) This section shall not apply to hypodermic needles or  
15 syringes that have been containerized for safe disposal in a  
16 container that meets state and federal standards for disposal of  
17 sharps waste.

18 (c) Pursuant to authorization by a county, with respect to all of  
19 the territory within the county, or a city, with respect to the territory  
20 within in the city, for the period commencing January 1, 2005, and  
21 ending December 31, 2018, subdivision (a) shall not apply to the  
22 possession solely for personal use of 10 or fewer hypodermic  
23 needles or syringes if acquired from an authorized source.

24 SEC. 3. *This act shall not become operative if Senate Bill 1029*  
25 *of the 2009–10 Regular Session, amending Section 4145 of the*  
26 *Business and Professions Code and amending Section 11364 of*  
27 *the Health and Safety Code, is enacted and takes effect on or before*  
28 *January 1, 2011.*